

### REMARKS

Claims 4, 6 and 7 have been rejected under 35 U.S.C. §112 because the phrase "or the like" is regarded as rendering these claims indefinite. Accordingly, this phrase has been deleted from the claims.

Claims 1, 6, 7 and 13 have been rejected under 35 U.S.C. §102(b) as being unpatentable over Vestrella et al. ("Vestrella"). Claims 3-5 and 8-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Vestrella in view of Cole. Claim 12 has been rejected under 35 U.S.C. §1103(a) as being unpatentable over Vestrella in view of Cole and further in view of Owens. Reconsideration and withdrawal of these rejections are respectfully requested in view of the claim modifications made herein and in light of the following remarks.

The invention, as recited in newly submitted claim 14, relates to a covering panel, particularly for a floor, which comprises a plurality of tiles and a supporting plate made from a flexible material that is elastically compressible in the direction of its thickness and which has the dimension of the panel, the tiles being juxtaposed thereon in a way that their edges are aligned over the whole upper face of the plate so that the zones of the plate located beneath the lines formed by the aligned edges constitute folding lines along which the supporting plate and, accordingly, the covering panel formed by the supporting plate with the tiles attached individually thereon are foldable.

New claim 15 specifies that because of this flexibility of the panels and due too these folding lines, the upper face of a floor which is to be covered by panels according to the invention does not need to be perfectly flat because irregularities of the surface will be compensated for partly by the flexibility of each panel, and partly due to the fact that this support panel is made from a compressible material.

These key features, and other features, are not disclosed or even suggested in Vestrella.

Vestrella relates to floor covering panels which comprise a rigid block of a foamed material having the shape of quadrangular parallelepiped with a rectangular base on which a number of tiles 11 are fixed which are placed side by side (page 2, lines 12-20). On page 6, lines 14-20, as a main requirement for a Vestrella covering panel, it is important to provide the block of foamed material with high stiffness of the layer immediately adjacent to the back of the tiles. This is necessary in order to prevent the tiles from breaking due to resilient deflections in the backing block to which the highly stiff tiles are unable to adapt.

In other words, Vestrella teaches to provide a block of foamed material having a high stiffness as the layer immediately adjacent to the back of the tiles. Since the layer of high stiffness extends over the whole upper surface of the block, the result is that the panel as a whole constitutes a rigid assembly without any ability to become adapted to irregularities in the upper surface of the floor by a folding of the panel along the aligned edges of adjacent tiles.

As should be evident from the foregoing, a fundamental difference between a covering panel such as proposed by the invention and a Vestrella panel resides in the fact that, in the case of the invention, the support layer or plate is flexible and resiliently compressible whereas in Vestrella the layer or plate is rigid, and even a high stiffness is desirable.

The Examiner has stated, in discussing claim 8, that the panel of Vestrella comprises tiles mounted on a flexible supporting plate that compensates for flatness defect in the surface on which such panel is laid. The Examiner also contends that this panel has a degree of flexibility such as to allow the panel to fold along the lines of alignment of the edges of the tiles.

However, to the contrary, in Vestrella the resiliency of the backing block, which may be analogous to the support plate of the present invention, is considered to be a negative feature since, as set forth on page 6, lines 14 to 19, the upper layer of the support plate is made to have a high stiffness. This means that in Vestrella particular care is taken to avoid any bending or folding of the panel.

In Vestrella, the layer immediately adjacent to the back of the tiles is made to have a high stiffness in order to prevent the tiles from breaking. In the case of the invention, the risk of breaking of tiles due to the resiliency of the supporting plate is resolved not by removing the flexibility of the plate by providing on its upper surface a layer of high stiffness, but by making each tile individually in such a way so as not to break.

Accordingly, a key aspect of the present invention is the discovery that it is advantageous to have a supporting panel which is made from a flexible and foldable material since this flexibility can be used to obtain a panel adapted to irregularities on the upper surface of the floor, due to the possibility of folding of the panel along the aligned edges of adjacent tiles. In the case of the invention, this flexibility is seen to be an advantage, whereas in Vestrella the resiliency of the support layer is considered to constitute a shortcoming as is evident from the fact that in Vestrella the supporting plate is made from a foamed material having a limited resiliency. It is nowhere stated or taught in Vestrella that the resiliency of the supporting panel can be used to compensate for irregularities of the floor surface.

A combination of Vestrella and Cole does not obviate the invention since the teaching of Cole is limited to the manufacture of a flexible cement textured building tile with two layers, i.e. a flexible and resilient backing layer 12 having a lower face for securing the tile to a

building surface, such as a floor, and an upper flexible cement layer 18 covering the upper face of the backing layer 12.

It is readily apparent that the use of such a tile in Vestrella does not produce the claimed covering panel of the invention. A combination of Vestrella and Cole, namely replacing a tile of Vestrella by a tile of Cole, does not result in replacing the rigid support layer in Vestrella, to which a plurality of tiles are attached, with a flexible and resiliently compressible supporting plate in accordance with the present invention.

Concerning Owens, it relates to a tile product having an upper layer made from a plurality of natural stones 1 bonded to a substrate 2, which is a ceramic substrate (column 5, line 6) by bonding material 3. Since the plate 2, which may be analogous to the supporting plate of the present invention, is a ceramic material made from a completely rigid, i.e. non-resilient and non-compressible, material, Owens does not teach anything enabling a person with ordinary skill in the art to realize a covering panel such as claimed in the present application.

In view of all of the above, it is respectfully submitted that claim 14 is clearly allowable over Vestrella applied alone or in combination with another of the cited references. Since claim 14 appears to be patentable, dependent claims 3-7, 10-13 and 15 are patentable along with it.

Based on all of the above, it is respectfully submitted that the present application is now in proper condition allowance. Prompt and favorable action to this effect and early passage of this application to issue are respectfully solicited.

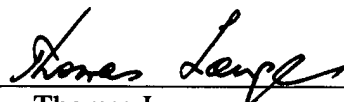
Should the Examiner have any comments, questions, suggestions or objections, he is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of such matters.

**SPECIAL NOTE: Form PTO-326 does not acknowledge applicant's claim for priority and the satisfaction of the associated requirements. The Examiner is respectfully requested to provide such acknowledgement.**

If any additional fees or charges are required at this time in connection with the present application, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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## AMENDMENTS TO THE AND CLAIMS SHOWING CHANGES

### In the Claims:

Claims 3, 4, 6, 7, 10 and 13 are amended as follows:

3. (Twice Amended) Panel according to claim 14 [1], characterized in that a tile (2) comprises an upper covering plate (8) and at least one lower rigid supporting plate (9), made of a material with high flexural strength and on which the upper plate is attached.

4. (Amended) Panel according to claim 3, characterized in that a covering plate (8) is a plate with low flexural strength, such as a plate of parquet, tile, stone[,] or marble [or the like].

6. (Twice Amended) Panel according to claim 14 [1], characterized in that the supporting plate (3) is advantageously a plate made of foam[,] or cork [or the like].

7. (Twice Amended) Panel according to claim 14 [1], characterized in that the tiles (2) are attached on the flexible support plate (3) by adhesive bonding [or the like].

10. (Twice Amended) Panel according to claim 14 [1], characterized in that it constitutes an assembly that is rigid in the approximately flat state against the forces acting on the top surface of the panel.

13. (Twice Amended) Covering, particularly for a floor, characterized in that it is formed by the contiguous juxtaposition of panels (1) according to claim [1] 14 on a laying surface (12).